

**Executive Summary – Enforcement Matter – Case No. 49141**  
**CRYSTAL CLEAR WATER SUPPLY CORPORATION**  
**RN101437994**  
**Docket No. 2014-1175-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Crystal Clear WSC, 2370 Farm-to-Market Road 1979 near San Marcos, Guadalupe County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 26, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,100

**Amount Deferred for Expedited Settlement:** \$1,620

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,480

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 49141**  
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**Docket No. 2014-1175-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of NOE(s):** August 8, 2014

***Violation Information***

Failed to provide a minimum treatment consisting of coagulation with direct filtration for groundwater under the influence of surface water and failed to submit surface water monthly operating reports ("SWMORs") for systems that use groundwater under the direct influence of surface water. Specifically, the Facility did not install treatment equipment and provide treatment and did not submit SWMORs for the months of April 2012 through June 2014 at the Farm-to-Market Road 1977 Staples Farmers Plant (TP4890) [ 30 TEX. ADMIN. CODE §§ 290.42(c)(1), 290.110(e)(2) and (e)(5), and 290.111(a)(2) and (h)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 180 days, install facilities to treat the water being supplied to ensure the minimum level of required treatment is occurring prior to the water entering the distribution system at the Farm-to-Market Road 1977 Staples Farmers Plant (TP4890).
- b. Within 215 days:
  - i. Submit written certification to demonstrate compliance with Ordering Provision a.;
  - ii. Update the operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified SWMORs; and
  - iii. Begin submitting SWMORs to the Executive Director each month by the tenth day following the end of the month. This provision will be satisfied upon six consecutive months of compliant reporting.
- c. Within 230 days, submit written certification to demonstrate compliance with Ordering Provision b.ii.
- d. Within 410 days, submit written certification to demonstrate compliance with Ordering Provision b.iii.

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Or, in lieu of Ordering Provision a. through d. the Respondent shall:

e. Within 90 days and on a quarterly basis thereafter, submit progress reports. These reports shall include information regarding actions taken to obtain an alternate source(s) of water.

f. Within 180 days, submit plans and specifications for an alternate source(s) of water for review and approval.

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the plans and specifications within 15 days after the date of such requests or before any other deadline specified in writing;

g. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision f.

h. Within 480 days, submit documentation to acquire interim approval to place the alternate water source(s) into service.

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the plans and specifications within 15 days after the date of such requests or before any other deadline specified in writing;

i. Within 495 days, submit written documentation to demonstrate compliance with Ordering Provision h.

j. Within 510 days, obtain approval to place the alternate water source(s) into service.

k. Within 525 days, submit written to demonstrate compliance with Ordering Provision j.

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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Michaelle Garza, Enforcement Division,  
Enforcement Team 2, MC R-13, (210) 403-4076; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Dennis Krackau, Board President, CRYSTAL CLEAR WATER SUPPLY  
CORPORATION, 2370 Farm-to-Market Road 1979, San Marcos, Texas 78666  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-Aug-2014	<b>Screening</b>	14-Aug-2014	<b>EPA Due</b>	30-Sep-2012
	<b>PCW</b>	14-Aug-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CRYSTAL CLEAR WATER SUPPLY CORPORATION		
<b>Reg. Ent. Ref. No.</b>	RN101437994		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49141	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-1175-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Michaelle Garza
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>		\$50	<b>Maximum</b>
			\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$8,100**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes No adjustment for compliance history.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$1,891  
Estimated Cost of Compliance \$5,739  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$8,100**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$8,100**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$8,100**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,620**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$6,480**

Screening Date 14-Aug-2014

Docket No. 2014-1175-PWS-E

PCW

Respondent CRYSTAL CLEAR WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49141

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101437994

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 14-Aug-2014

Docket No. 2014-1175-PWS-E

PCW

Respondent CRYSTAL CLEAR WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49141

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101437994

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.42(c)(1), 290.110(e)(2) and (e)(5), and 290.111(a)(2) and (h)

## Violation Description

Failed to provide a minimum treatment consisting of coagulation with direct filtration for groundwater under the influence of surface water and failed to submit surface water monthly operating reports ("SWMORs") for systems that use groundwater under the direct influence of surface water. Specifically, the Facility did not install treatment equipment and provide treatment and did not submit SWMORs for the months of April 2012 through June 2014 at the Farm-to-Market Road 1977 Staples Farmers Plant (TP4890).

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide minimum treatment and associated SWMORs could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$700

\$300

## Violation Events

Number of Violation Events 27

820 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$8,100

Twenty-seven monthly events are recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$8,100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,891

Violation Final Penalty Total \$8,100

This violation Final Assessed Penalty (adjusted for limits) \$8,100

# Economic Benefit Worksheet

Respondent CRYSTAL CLEAR WATER SUPPLY CORPORATION  
 Case ID No. 49141  
 Reg. Ent. Reference No. RN101437994  
 Media Public Water Supply  
 Violation No. 1

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment	\$5,000	1-Apr-2012	1-Sep-2015	3.42	\$57	\$1,140	\$1,197
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	28-Jul-2014	1-Oct-2015	1.18	\$3	n/a	\$3
Training/Sampling	\$100	28-Jul-2014	1-Oct-2015	1.18	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

The delayed cost includes the estimated amount to install minimum treatment equipment of coagulation with direct filtration and adequate disinfection, calculated from the date when the treatment equipment was required to the estimated date of compliance. The other delayed costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all SWMORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

## Avoided Costs

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$594	10-May-2012	10-Jul-2014	3.08	\$92	\$594	\$686
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

The avoided costs include the estimated amount to submit SWMORs (\$22 per report x 27 reports), calculated for the period in which the SWMORs were due.

Approx. Cost of Compliance

\$5,739

TOTAL

\$1,891



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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600642268, RN101437994, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600642268, CRYSTAL CLEAR WATER SUPPLY CORPORATION **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN101437994, CRYSTAL CLEAR WSC **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 2370 FARM-TO-MARKET ROAD 1979 NEAR SAN MARCOS, GUADALUPE COUNTY, TEXAS

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0940015 WATER LICENSING LICENSE 0940015

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** August 14, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 14, 2009 to August 14, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Michaelle Garza

**Phone:** (210) 403-4076

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:** N/A

**B. Criminal convictions:** N/A

**C. Chronic excessive emissions events:** N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):** N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):** N/A

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

**F. Environmental audits:** N/A

**G. Type of environmental management systems (EMSs):** N/A

**H. Voluntary on-site compliance assessment dates:** N/A

**I. Participation in a voluntary pollution reduction program:** N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:** N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CRYSTAL CLEAR WATER  
SUPPLY CORPORATION  
RN101437994**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-1175-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CRYSTAL CLEAR WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 2370 Farm-to-Market Road 1979 near San Marcos, Guadalupe County, Texas (the "Facility") that has approximately 4,737 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on August 11, 2014.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Thousand One Hundred Dollars (\$8,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Four Hundred Eighty Dollars (\$6,480) of the administrative penalty and One Thousand Six Hundred Twenty Dollars

- (\$1,620) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  7. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
  8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to provide a minimum treatment consisting of coagulation with direct filtration for groundwater under the influence of surface water and failed to submit surface water monthly operating reports ("SWMORs") for systems that use groundwater under the direct influence of surface water, in violation of 30 TEX. ADMIN. CODE §§ 290.42(c)(1), 290.110(e)(2) and (e)(5), and 290.111(a)(2) and (h), as documented during a record review conducted from July 28, 2014 through August 8, 2014. Specifically, the Facility did not install treatment equipment and provide treatment and did not submit SWMORs for the months of April 2012 through June 2014 at the Farm-to-Market Road 1977 Staples Farmers Plant (TP4890).

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be

constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CRYSTAL CLEAR WATER SUPPLY CORPORATION, Docket No. 2014-1175-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 180 days after the effective date of this Agreed Order, install facilities to treat the water being supplied to ensure the minimum level of required treatment is occurring prior to the water entering the distribution system at the Farm-to-Market Road 1977 Staples Farmers Plant (TP4890), in accordance with 30 TEX. ADMIN. CODE §§ 290.42 and 290.111.
- b. Within 215 days after the effective date of this Agreed Order:
  - i. Submit written certification as described below in Ordering Provision No. 2.l. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
  - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified SWMORs, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111; and
  - iii. Begin submitting SWMORs to the Executive Director each month by the tenth day following the end of the month, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111. This provision will be satisfied upon six consecutive months of compliant reporting. SWMORs shall be submitted to:

SWMOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 230 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.l. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.; and

- d. Within 410 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.l. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.iii.

Or, in lieu of Ordering Provision Nos. 2.a. through 2.d. the Respondent shall:

- e. Within 90 days after the effective date of this Agreed Order, and on a quarterly basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.l. below. These reports shall include information regarding actions taken to obtain an alternate source(s) of water;
- f. Within 180 days after the effective date of this Agreed Order, submit plans and specifications for an alternate source(s) of water for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Utilities Technical Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the plans and specifications within 15 days after the date of such requests or before any other deadline specified in writing;

- g. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.l. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f.;
- h. Within 480 days after the effective date of this Agreed Order, submit documentation to acquire interim approval to place the alternate water source(s) into service, in accordance with 30 TEX. ADMIN. CODE § 290.41. The documentation shall be submitted to:

Utilities Technical Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the documentation within 15 days after the date of such requests or before any other deadline specified in writing;

- i. Within 495 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.l. below, and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h.;

- j. Within 510 days after the effective date of this Agreed Order, obtain approval to place the alternate water source(s) into service, in accordance with 30 TEX. ADMIN. CODE §§ 290.39 and 290.41; and
- k. Within 525 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.j.
- l. All certifications and progress reports required by Ordering Provision Nos. 2.b.i, 2.c., and 2.d., or 2.e., 2.g., 2.i., and 2.k. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Perry Monahan  
For the Executive Director

4/7/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Dennis Krackau  
Signature

11/26/2014  
Date

DENNIS KRACKAU  
Name (Printed or typed)  
Authorized Representative of  
CRYSTAL CLEAR WATER SUPPLY CORPORATION

Board President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.